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Problems of the immigration service

Washington

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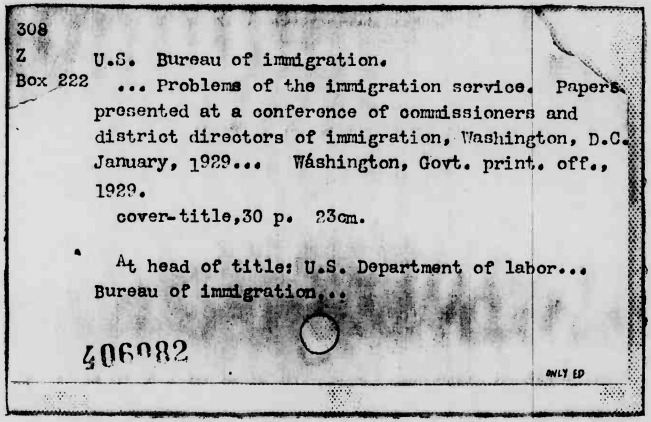
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BUREAU OF IMMIGRATION
HARRY E. HULL, Commissioner General

APR 23 1929

Problems of the Immigration Service

Papers presented at a Conference of
Commissioners and District Directors of Immigration

WASHINGTON, D. C., JANUARY, 1929

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PROBLEMS OF THE IMMIGRATION SERVICE

COURTESY

BENJAMIN M. DAY, Commissioner of Immigration, New York

It is, of course, universally agreed that courteous and civil treatment on the part of an officer is of prime importance in the performance of his duties. No matter how intelligent, conscientious, or honest he may be, if he offends by his manner of approach his virtues are usually forgotten by the offended citizen or alien with whom he deals. There have been, unfortunately, many instances in which a thorough and, from the standpoint of the law, a satisfactory inquiry or investigation has been needlessly marred by extraneous and useless remarks by a tactless and thoughtless official. To correct this, however, is no easy task.

It may be inferred from the wording of the question under discussion that the offending officer is guiltless of any intention of willfully offending. Of course, a deliberate act of this kind should be met with prompt and drastic discipline along the lines that I will in a few moments discuss. We are now thinking, however, of those thoughtless and tactless acts which are innocently committed without any intention to give offense. Here we are confronted with the problem of human nature itself. How to train a man to overcome those traits and habits that are instinctive and are done many times unconsciously, is the problem.

All officers upon entering the service should understand that civility and gentlemanly conduct are essential to the proper performance of their duties. They should be impressed by the fact that they are in most cases the first official representatives of the United States to meet foreigners arriving on our shores and that first impressions of America are often formed as a result of their conduct and general demeanor. To many aliens the habits and customs of America are symbolized by the attitude of immigrant inspectors. Also returning citizens are rightfully insistent that the examining officials shall treat them and their foreign fellow travelers with all possible courtesy. For an American to observe any other treatment is a humiliation to him that tends to bring into disrepute the entire service, and this should be forcibly impressed upon all inspectors.

In addition to inculcating civility, the officers should be impressed by the necessity of a businesslike conduct of their examinations. These examinations should be no longer than is necessary to develop the pertinent facts and should cease as soon as these have been ascertained. A businesslike, expeditious, though thorough, examination impresses favorably the traveler. Then again, the inspector should be told to confine his questions to relevant and material matter. The evidencing of what to an inspector is but a harmless and friendly interest is often misunderstood and gives rise to misconstruction. He

should in all cases confine himself to the facts. He should ask no unnecessary questions and make no unnecessary remarks relative to the purpose of the intended visit or to any of the family matters of the person being questioned. A quiet, dignified, expeditious, though complete, examination is the ideal. To achieve it, requires constant attention on the part of the officer to the rules as outlined by his superiors and vigilance on the part of those over him to see that he gives his best to the discharge of his duties.

HAWAII

ALFRED E. BURNETT, District Director, Honolulu

The estimated population of Hawaii on June 30, 1928, was 348,767, exclusive of the military and naval establishments. Of this population, in round numbers, 37,000 are American, English, German, or Russian in race; 135,000 Japanese; 6,000 Koreans,; 60,000 Filipinos; 25,000 Chinese; 21,000 Hawaiians; 29,000 Portuguese; 2,000 Spaniards; 7,000 Porto Ricans; 10,000 mixed Hawaiian-oriental; 16,000 mixed Hawaiian-white.

It thus appears that about 273,000, or 78 per cent, of the island population belong to races ineligible to citizenship by the naturalization process. However, according to estimates supplied by the Territorial Bureau of Vital Statistics, 228,000, or 65 per cent of the total island population, are in fact United States citizens by birth or naturalization. These figures classify 52,000 of the Filipinos as aliens, and 8,000 as United States citizens. It is estimated that of the 135,000 Japanese in the territory, 52,000 are aliens and 83,000 are citizens; of the 25,000 Chinese, 10,000 are aliens and 15,000 citizens; of the 6,000 Koreans, half are aliens and half are citizens; while of the 60,000 Filipinos, 52,000 are not citizens of the United States but citizens of an island possession of the United States, the remaining 8,000 being United States citizens by birth in Hawaii.

Classing 52,000 of the Filipinos as aliens, the total alien population ineligible to citizenship was, on June 30, 1928, about 117,000.

Until very recent years American citizens of oriental ancestry took very little interest in local elections, very few registering to vote. In 1902, 143 Chinese and 3 Japanese were registered voters; in 1920, 1,141 Chinese and 658 Japanese registered; in 1926 (the latest year for which figures are available) 2,900 Chinese and 3,100 Japanese registered as voters. The combined Japanese and Chinese vote in 1926 was greater than the white American vote in 1920. While United States citizens of oriental ancestry of voting age in the island do not constitute a majority of the whole, they are of sufficient numerical strength when voting together to elect almost any candidate and carry nearly any measure. Naturally there is strong competition for this vote by the major political parties.

The predominance of brown and yellow races in Hawaii is due largely to the same causes which brought the Negroes to the Southern States in the early history of our country—to wit, the demand for cheap agricultural labor. Hawaii is essentially an agricultural country, its prosperity depending almost entirely upon the output of its plantations of sugar cane and pineapples, its coffee groves, and rice fields. The native Hawaiian population was never sufficient to supply the needed field laborers and efforts to supply this need from abroad is reflected in the racial composition of its population to-day.

Beginning in the last half of the preceding century, in the days of the monarchy, labor was imported in succession from China, Japan, Korea, Portugal, Spain, Porto Rico, and Russia. With the rapid increase of acreage under cultivation it became increasingly difficult to obtain and retain an adequate labor supply, partly because of prohibitive Federal legislation after annexation some 30 years ago, partly because of climatic, wage, and living conditions, and partly because the children of the first generation immigrants, educated in the free public school, could not be induced to remain as laborers on the plantations. In recent years, and beginning about the year 1910, the planters turned to the Philippine Islands as a source of cheap and reasonably satisfactory labor supply, and that source is the only one now being actively utilized by the agricultural interests of the Territory. As heretofore stated, the Filipino population at the present time is about 60,000; in 1910 it was 2,361, and in 1920 it had already increased to 21,031.

The relation of immigration laws and regulations to the movement from Hawaii to the mainland of these oriental races is the principal topic of this paper, but before proceeding to the discussion a few additional and more or less random observations may serve to illuminate the background of the subject matter.

One hundred years ago the state of civilization in the Sandwich Islands (now called Hawaii) was approximately the same as that of the American Indian when the *Mayflower* reached New England's rockbound coast. About a century ago a few Christian missionaries, the descendants of those *Mayflower* passengers, brought Christianity and a measure of American civilization to Hawaii. There, as elsewhere where a higher and stronger type of civilization peaceably penetrates another, the less civilized race gave way to the stronger. The pure Hawaiian stock is rapidly disappearing through interracial marriage and its inability to survive the white man's mode of living, vices, and diseases. To-day there are fewer than 21,000 persons of pure Hawaiian blood residing in the islands where once they ruled supreme.

Prior to annexation oriental plantation laborers were imported by the government itself under a definite contract system. A great many of them brought with them their wives, who took their places in the cane fields alongside their husbands. The coming of children—sometimes 12 or 15 to a couple—interrupted but briefly the labor of the mother in the fields.

Then came annexation to the United States, the organization of a Territorial government, and the establishment of free public schools. These plantation laborers, growing ambitious for their children, very generally resolved that their offspring should have the advantage of a liberal education with the possibility of escape from plantation drudgery. They have sent their sons (and some of their daughters) through high school and college, and to-day there are few colleges and universities in mainland United States that have not their quota of young men and young women of oriental descent whose parents toiled and saved on Hawaiian sugar plantations to give them this opportunity for a fuller and richer life.

Hawaiian-born descendants of oriental aliens have attained distinction in their chosen lines of endeavor. Many are practicing law, medicine, dentistry, and engineering; others are teaching in schools

or colleges, while still others are holding responsible positions in banks, commercial houses, and in political offices. A Chinese-Hawaiian is a circuit-court judge serving his second term under appointment of the President of the United States; another of the same race was formerly city and county attorney at Honolulu, a delegate recently to the national convention of his political party, and now a member of the Territorial senate. Several American citizens of Japanese ancestry barely missed election to the legislature a few weeks ago. About one-third of the public-school teachers in the islands are of non-Caucasian blood, and about 84 per cent of their pupils are of oriental descent. Not a few of the Japanese, Korean, and Chinese business and professional men own beautiful homes and drive to their offices or to the golf links in expensive motor cars. Nearly all the small shop owners, building contractors, carpenters, plumbers, plasterers, and taxi drivers are of oriental ancestry, while nine-tenths of the bootleggers and narcotic peddlers, to say the least, are not of pure Nordic stock. Recently about a thousand persons attended a reception and ball at a Honolulu hotel; the guests, all in formal evening dress, were about equally divided between persons of the white and persons of oriental races.

A great many Hawaiian-born children are in the process of "becoming." Their parents cling tenaciously to the culture, ideals, traditions, customs, language, and religion of the fatherland. They have established private language schools to perpetuate oriental culture and a knowledge of the ancestral tongue. The more thoroughly the public schools succeed in their Americanization program, the wider is the gulf between many of its pupils and their parents who are devoted to another land and culture. Relatively few of these parents are converts to Christianity, but many of their children attend Christian churches and Sunday schools. Step into a Christian church on a Sunday morning; note that neatly dressed 16-year-old bobbed-haired Japanese girl wearing high-heel shoes; she is a sophomore in the public high school. Her brother is a senior in the same school and recently played half back on his football team when it won the island championship in a $200,000 stadium filled with 15,000 people who paid admission. Now the girl joins the congregation in singing:

> Faith of our fathers; holy Faith;
> We will be true to Thee till death.

Church services are over; follow her home at a discreet distance; down Fort Street and out King Street; she pauses to observe an automobile traffic jam right where a former Hawaiian king once lived in his grass house; all right now; soon she turns a corner down Corkscrew Lane [1] and a little later she passes into Tin Can Alley [1] lined with wooden tenement houses and filled just now with a half hundred brown-skinned children; three houses back from the lane she speaks to her mother busy hanging out the week's wash, and then enters the small tenement to get ready the fish cake and rice before her father arrives from his carpenter shop. This afternoon she will take care of seven little brothers and sisters while her mother goes to worship at a Buddhist temple on Fort Street. To-night she will sleep on a grass mat spread on the floor.

[1] Real names.

TRAVEL FROM HAWAII TO CONTINENTAL UNITED STATES OF PERSONS OF ORIENTAL DESCENT

1. *Legal bases for immigration supervision.*—The legal bases for immigration supervision of travel from Hawaii to the mainland may be stated as follows:

(*a*) As to alien Chinese. Both the congressional joint resolution of July 7, 1898, and the organic act of April 30, 1900, prohibited the coming of alien Chinese laborers from Hawaii to continental United States. Moreover, and as a corollary, alien Chinese of the so-called exempt classes (merchants, teachers, travelers, etc.) in Hawaii may not proceed thence to the mainland with any greater degree of freedom than were they domiciled in China.

(*b*) As to alien Japanese. The immigration act of 1907 provided (as does the immigration act of 1917) that whenever the President shall be satisfied that passports issued by any foreign government to its citizens or subjects to go to any country other than the United States, or to any insular possession of the United States or to the Canal Zone, are being used for the purpose of enabling the holder to come to the continental territory of the United States to the detriment of labor conditions therein, the President shall refuse to permit such citizens or subjects of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possession or from the Canal Zone. In March, 1907, President Roosevelt issued his proclamation under which alien Japanese and Korean laborers who arrived in Hawaii with passports limited thereto were prohibited from entering continental United States. A similar proclamation in which the Japanese and Koreans were not mentioned by name was issued by President Taft February 24, 1913, and that proclamation is now incorporated in immigration rule 7.

(*c*) As to the furnishing of passenger lists by vessels carrying passengers between Hawaii and mainland United States, section 12 of the immigration act of 1917 requires the masters of vessels carrying passengers, citizens, and aliens from continental United States to Hawaii or vice versa to file with the Immigration Service passenger lists or manifests of all such passengers.

(*d*) As to all alien passengers entitled to go from Hawaii to continental United States. Immigration rule 10 provides for the issuance of alien certificates to such aliens who have heretofore been lawfully domiciled in the Territory of Hawaii.

(*e*) As to American citizens domiciled in Hawaii. General Order No. 108, promulgated July 17, 1928, and made effective August 10, 1928, provides for the issuance of certificates of citizenship by the immigration officer in charge at Honolulu to American citizens residing in Hawaii and about to proceed to continental United States or elsewhere.

2. *Objections to supervision of this travel.*—The foregoing regulatory provisions of law and departmental rules are unique in the dealing of the Federal Government with citizens or residents of one of its organized Territories. Critics of these restrictions point out that Hawaii is an organized Territory of the United States subject to the Constitution and Federal statutes; that aliens domiciled in any State of the Union may proceed without official supervision from one State to another; that vessels carrying passengers coastwise from

the State of Washington to the State of California or from the State of Texas or Louisiana to New York are not required to furnish immigration manifests of its passengers; and that even Japanese alien laborers who have been lawfully admitted to the United States may travel without let or hindrance from the sugar-beet fields of Colorado to the wheat fields in the State of Kansas; and that American citizens of whatever race may not be impeded in their travel anywhere without due process of law.

3. *Practical necessity for supervision.*—For the most part the criticism of the laws and regulations are invalid. The last one mentioned, as to the travel of American citizens, is reasonable and as a matter of fact the provision for the issuance of certificate of citizenship is for the convenience of the travelers themselves and is not a requirement. However, if Japanese, Chinese, or Korean passengers arrive at a mainland port of the United States and without adequate proof, demand entry upon the ground that they are native-born citizens of Hawaii they are likely to be detained until they establish their claims to the satisfaction of the immigration officers at the mainland port.

But this is also true of all arriving persons, especially if their language or appearance is such as to raise a doubt as to their citizenship.

Congress in enacting immigration and naturalization legislation has differentiated between persons of the white and of brown and yellow races. In naturalization matters this has been true for over a hundred years; in immigration matters since 1882, so far as Chinese are concerned, and since 1907, so far as Japanese and Koreans are concerned, and most emphatically to the same effect is section 13 of the immigration act of 1924. This same differentiation, as heretofore pointed out, found place so far as Chinese are concerned in the joint resolution of 1898 under which Hawaii was annexed to the Union. The Supreme Court of the United States has said in substance that there is a natural presumption of alienage in the case of a person who speaks a foreign language and has the physical characteristics of an alien people. That court has also said in substance that the inestimable privilege of American citizenship is not to be lightly conferred, but the facts upon which a claim thereto is based must be made to appear. When a passenger of alien appearance arrives on a ship at an American port it is not to be expected that his mere assertion that he is a citizen of the United States will be accepted without corroboration. Even should that passenger be in possession of a birth certificate that document alone can not always be safely accepted as conclusive proof of the citizenship of the holder, since there has been such widespread and extensive frauds practiced in the procuration and use of such certificates. The restrictions upon Chinese aliens domiciled in Hawaii are a part of the contract under which Hawaii was annexed to the United States some 30 years ago. The restrictions as to alien Japanese and Korean laborers domiciled in Hawaii is the natural and reasonable outgrowth of certain exceptional concessions made by the Federal Government to the Territory of Hawaii in the importation of contract laborers, and the desire to protect American labor against oriental competition. The passenger-list requirements are reasonable and result largely from the geographical location and historical background of

Hawaii and are a practical necessity to the effective enforcement of the immigration laws generally.

4. *Method of exercising immigration supervision over this travel.*—The races necessarily affected by immigration supervision in their travel from Hawaii to continental United States are mainly Chinese, Japanese, and Koreans. When American citizenship is claimed the immigration procedure as to all three races is identical, but with aliens of these races the procedure varies.

Alien Chinese laborers domiciled in Hawaii may not, generally speaking, proceed at all to continental United States. The only exception to this is when the department specifically authorizes a temporary visit of such aliens to the mainland under departure bond. Departmental authorization for the trip must be obtained in advance of departure from Hawaii.

Chinese aliens of the exempt classes (merchants, teachers, travelers, etc.) if lawfuly domiciled in Hawaii may proceed to the mainland of the United States under the same conditions as persons of this status residing in a foreign country. That is to say, they must first procure from the Chinese consul at Honolulu a section 6 certificate setting forth the occupation and claim to exempt status. That certificate is presented to the district director of immigration at Honolulu who, acting in this respect in the same capacity as American consuls abroad, causes an investigation of the claimed exempt status to be conducted and if satisfied visas the section 6 certificate for the journey to the mainland.

Japanese and Korean aliens (both now nationals of Japan) domiciled in Hawaii may proceed to the mainland if they meet either of two conditions, to wit: First, if they came to Hawaii with and still possess unlimited passports or passports showing their Government's permission to proceed to continental United States; or, second, if they came to Hawaii with passports limited thereto but are able to show that they are nonlaborers and are likely to be nonlaborers if admitted to residence on the mainland. In either case such aliens apply to the immigration office at Honolulu for an alien certificate under immigration rule 10. If the legal requirements are met those certificates are issued, otherwise refused. Without these certificates steamship lines will not sell such aliens tickets to the mainland.

The situation as to American citizens of oriental races in Hawaii desiring to journey to the mainland has long been the source of administrative difficulties to the department and immigration officers in that Territory. Under special departmental authorization in the year 1908 a partial registration and certification of Hawaiian-born Chinese was made by the immigration officer in charge at Honolulu. Certificates of identity to the number of approximately 5,000 were issued to Chinese at that time, and, unless shown to have been obtained by fraud, are accorded full recognition. But no such registration has ever been offered to Japanese and Koreans born in Hawaii, nor to Chinese born in that Territory since 1909. For about 12 years citizens of oriental descent about to proceed to the mainland have been furnished a sort of certificate by the immigration officer in charge at Honolulu upon presentation of satisfactory proof of that citizenship. That procedure seems never to have been directly authorized or approved by the department until about two

years ago, when through an amendment to immigration rule 10 authority was granted to the district director at Honolulu to investigate claims of American citizenship and furnish certificates of the fact upon satisfactory proof thereof. That authorization extended only to persons of this class about to proceed to continental United States. But through the promulgation of General Order No. 108 on July 17, 1928, the department authorized the issuance of permanent certificates of citizenship to American citizens, irrespective of race, residing in Hawaii and about to proceed thence to the mainland or abroad. These certificates are retained by the citizen and are accepted for all immigration purposes both in Hawaii and on the mainland.

General Order No. 108 has gone far toward a satisfactory solution of this vexatious problem. However, the persons for whose benefit the order was issued will never be entirely satisfied until they are permitted to travel anywhere and return without any supervision whatever.

5. *Extent of oriental travel from Hawaii to continental United States.*—Complete statistics of oriental travel from Hawaii to the mainland since annexation are not available. For indicated periods this movement was as follows:

Filipinos—Hawaii to mainland

Fiscal year—		Fiscal year—	
1906–1910	85	1925	831
1911–1915	811	1926	2,888
1916–1921	1,818	1927	2,258
1922	98	1928	1,515
1923	937	1929 (five months)	435
1924	2,118		

In other words, from 1906 to December 1, 1928, 13,794 Filipinos proceeded from Hawaii to continental United States. Of these a negligible number returned to Hawaii.

Fairly reliable available figures disclose that for the 5-year period 1916 to 1921, Japanese steerage passengers proceeded to the mainland from Hawaii to the number of 1,097. Segregation as to citizenship of this number is not available.

Accurate data for the seven fiscal years 1922 to 1928, inclusive, show Japanese and Chinese departures to the mainland (including both temporary visitors and permanent removals), as follows:

Japanese race, 910 aliens; 1,357 United States citizens.
Chinese race, 111 aliens; 770 United States citizens.

CONCLUSION

There are in Hawaii persons of oriental races who have a legal right to proceed to continental United States as follows:

United States citizens	119,000
Native citizens of the Philippine Islands	52,000
Exempts under immigration Rule 7 and under Chinese exclusion laws—aliens (perhaps)	1,000
Total	172,000

Excess of births over deaths is rapidly increasing the native population of oriental ancestry. They are being educated away from plantation work and, with limited opportunity for other employment in the islands, they will certainly go in constantly increasing numbers to the States.

The 52,000 natives of the Philippine Islands now residing in Hawaii are free to go to the mainland if they desire and with very little immigration supervision. They can not be stopped without additional legislation.

The law now excludes from the States nearly all oriental aliens domiciled in Hawaii, but raises no barrier against Filipinos from there or elsewhere.

CONCEALMENT OF MISCONDUCT BY FELLOW OFFICERS

RAPHAEL P. BONHAM, District Director, Portland, Oreg.

This subject might be discussed, perhaps, from the standpoint of an officer's legal obligations, or possibly with emphasis upon its ethical aspects, but for our present purposes a discussion from a practical layman's viewpoint seems more appropriate.

At the outset our reply to this query must be that where the offense is of a really grave nature, reflecting upon the honor of the service, or one that involves actual dishonesty or malfeasance in office, there can be but one answer. There is no fealty we owe to any man, or set of men, that transcends the fealty we owe our country.

Unfortunately there is a tendency upon the part of many people to look with some disfavor upon one who informs against a lawbreaker. Too often he is called by unthinking or unethical individuals a "squealer," a "stool pigeon," or any of the other various uncomplimentary epithets common to the vernacular. Too many are inclined to imagine virtue in that contradiction, "Lying like a gentleman"; too many fancy they see something admirable in a man's failure or refusal to tell on an offender. In many instances that attitude is due to illogical sentiment or—to a distorted conception of loyalty—to a misconception of where and to whom loyalty is due—and sometimes to the sympathy of one offender for another. Why should a law-abiding and law-respecting officer or citizen become in effect an aid and an accessory to the lawbreaker?

In seeking to find some cause for this too common attitude, one may perhaps hark back to early school days, where for some reason about the first act we are taught to regard with opprobrium is that of reporting to the teacher—the first law-enforcing officer with whom we come in contact—the derelictions of another. The first uncomplimentary epithet that we, as children, hear and dread to have applied to ourselves is that of "tattletale." As some people grow up, unfortunately, they carry with them these early acquired prejudices, without ever learning to differentiate between trivial tattle, mere meddlesome intrusiveness, malicious talebearing, and that unselfish patriotism which inspires a man to the performance of distasteful duties because of the obligations of good citizenship. A few thousand officers among millions of men obviously can not by themselves suppress crime or bring about lawful conditions without the active support and cooperation of a majority of the people. Such support is one of the vital tests and attributes of good citizenship. If that be true in respect to the private citizen, how much more deeply rests the obligation upon the sworn officers of the Nation? When they are corrupt and betray their trust, they are guilty of something akin

to treason, and it is most difficult to conceive of circumstances wherein an honest fellow officer, sure of the facts, would be warranted in remaining silent.

The very fact, however, that the bureau has selected this question as one for discussion at this conference, implies, perhaps, the possibilities that under some circumstances an officer might find warrant or excuse in failing to report certain transgressions. In assigning this subject the bureau did not define "misconduct" or "derelictions." Different men will disagree, no doubt, on whether or not certain acts or indiscretions come within that category. It may quite truly be that petty matters, or, a man's occasional derelictions that do not affect his fundamental character, may be cured by friendly counsel and by kindly, brotherly intercession, rather than by formal reports or complaints. While all serious transgressions should, of course, be reported to the bureau, it would seem puerile to so refer every minor dereliction alleged or reported to have occurred. If the commissioners and directors are worthy of being intrusted with their other high duties, and in representing the bureau and department throughout the field in affairs of consequence, they usually may be intrusted with matters of local routine discipline.

All derelictions which actually affect the integrity or efficiency or good name of an officer should be reported, formally or informally, by the officer having knowledge thereof or apparently reliable information thereon, to his superior officer, who, as a matter of course, should make due investigation to ascertain the facts and the seriousness of the misconduct, if any has occurred. Where the offense is not of itself so serious as to warrant reporting to the bureau for disciplinary action, but is likely to be followed by other similar or different transgressions that in their accumulation mark the unfitness of the officer, then a report of each offense should be put upon the offender's personal file, as a matter of record.

By the plan of having supervisors, who are the bureau and department's contact officers with those of us in the field, all officers are afforded increased opportunities to report and discuss, formally or otherwise, matters of concern which might slumber unsolved and uncured. Since inauguration of this excellent plan there is even less warrant than formerly for an officer's failing to report misconduct.

While no sensible officer would wish to be regarded as a Don Quixote bent upon the self-appointed task of discovering and correcting all the real or facied ills of the service, on the other hand, no sincere officer can disavow all concern and responsibility for the misconduct of his fellows upon the hypothesis that he is not his brother's keeper. Decision as to the proper course is not always easy. Whatever logical deductions may be reached in theorizing upon the subject, in its practical application we will never entirely escape the personal equation. Conscience plus common sense must be our guiding stars. We should steer our course between the whirlpool of meddlesome, idle talebearing, and the rocks of silent, cynical indifference.

Loyalty to the service must be our first consideration. The best justification for reporting misconduct of a fellow officer is where the service may be improved by one's so doing. The integrity of the service, rather than the welfare of the particular offender, is the criterion by which we must decide.

No doubt most of you have had many varied and apropos experiences. One or two concrete cases may serve as illustrations upon this theme. Oral reports came to an official in charge of one district concerning the dereliction of a colleague in another. His conduct was demoralizing to the morale of his men but not utterly vicious or beyond redemption. The assistant to the offending officer was distressed lest either his own silence or his utterances should be misconstrued. Other subordinates felt a similar delicacy and concern. The officer who heard these stories might have remained silent and escaped unpleasantness on a plea of lack of jurisdiction. He considered the propriety and effectiveness of his personally cautioning his colleague to mend his ways, but, having seen similar cases where like good offices were fruitless and met with resentment instead of gratitude, he decided against this plan, but that he was not warranted in failing to report his information informally. This was done; the transgressor was reprimanded and given good counsel, and, as expected, granted another chance. But even this warning did not suffice. Eventually complaints went to Washington, and then to this same officer was assigned the unpleasant task of making an official investigation. He at once told his colleague that he had been the one who had originally reported his behavior, in the hope that a warning from the department would be effective, whereupon the latter declared that he had been treated with all fairness. This case is one where an officer, with the most honorable motives, perhaps went out of his way to report another's derelictions, where later developments proved the propriety and justice of his course.

The second example is in glaring contrast. An officer temporarily in charge of a district learned that an inspector in charge of a subport had apparently been bribed to release a contraband alien and report that he had never found him. The contraband was quickly caught, and eventually confessed, and his movements traced to the bank, where he drew out the amount of the bribe, and thence into the elevator leading to the immigration office. The corrupt inspector had an assistant who it later developed had seen the gold on the guilty inspector's desk, yet remained silent throughout the investigation. This is an instance where that man's failure to report was reprehensible.

Philosophize on morals and ethics to our heart's content, soliloquize to exalted heights upon our duties and our obligations, we will find in the cold gray dawn of the day's performances that, under certain circumstances, we will not put our high ideals into action. Warranted or unwarranted, ethical or unethical, an immigration officer, or any other, is likely to remain silent concerning transgressions of his fellows unless he has confidence in the honesty, the justice, the wisdom, and the courage of the superior to whom he makes report. And so heavy responsibility rests upon the heads of the various offices and districts to so conduct themselves in both public and private life that they may enjoy in the fullest measure the complete confidence and respect of their fellows and of their subordinates. Nor does the responsibility end there. The more exalted one's rank, the more exacting these requirements, the more is this vitally true—until it culminates right here in Washington.

Having been thus frank, no immigration official would be "warranted in failing to report or otherwise concealing" the fact; that

never have the men had more sincere and genuine confidence and faith in our superior officers in Washington. The field would like to pay affectionate tribute and acknowledgments to the Secretary and his able aides who have raised this service, to which many of us have dedicated our lives, to the most efficient and honorable state in its history, made us proud of its accomplishments, and most hopeful of its future.

MEXICAN BORDER PROBLEMS

WILLIAM A. WHALEN, District Director, San Antonio, Tex.

Since the first settlers broke the ground and started farming and ranching in the vicinity of the Mexican border they have hired and fired Mexican laborers indiscriminately, without reference to the legality of the residence of the aliens in the United States. This practice has become so well grounded that it has been and in some cases still is difficult to impress upon many of the employers that there is an immigration law and that Mexican aliens are subject to its provisions. Many have violated the alien contract labor law, and when caught in the act either have pleaded ignorance or that the offense was committed through necessity. In the cases that have been prosecuted only a few convictions have been secured, mainly on account of the difficulties of procuring indictments and conviction before juries composed of farmers or their sympathizers.

Farmers quite generally claim that they can not and at any rate they do not pay a wage that corresponds with that paid common labor in other lines of industry. As a result a large part of the aliens legally in the United States who can travel about unmolested naturally seek employment in the cities or wherever the highest wages are paid.

The farmer and rancher in many cases therefore recruits his labor from the only classes left; that is, aliens legally in the United States who have not yet learned of the higher wages paid in other lines of work or who prefer farm work, but mainly from aliens illegally in this country, who are afraid to leave the farm to look for work elsewhere.

It is, of course, the latter class with which this service is especially concerned. It is extremely difficult for an alien illegally in this country to travel from place to place in the border States without encountering some inquisitive immigration officer who will ascertain his status and see that he is returned to Mexico. In order to reach the interior of the United States he must run the gantlet spread by our border patrol, with more than a good prospect of being caught.

Mexicans illegally here, or " wets " as they are called, therefore prefer to accept employment on farms close to the border at a low wage, usually from $1 to $1.50 a day, trusting to luck that they will not be found and sent back to Mexico. In order to keep these aliens out of town and off the highways, where they might be questioned by officers of this service or offered other and more lucrative employment, some employers conduct commissaries where the aliens may conveniently purchase clothing and food supplies. Protests over the low wages paid or high prices charged them for necessities are often met with the threat that they will be turned over to the immigration authorities unless they submit to the existing conditions.

A good many employers of this class of labor really want, as one of them frankly admitted, an unlimited supply of " wet " Mexicans whom they can coerce into remaining on their ranches at a low wage through fear of being returned to Mexico, and immunity from having this labor molested by our officers. It has been the aim of this service to avoid any action in the nature of a raid but to keep continuously and persistently edging in a little closer, with the result that employers of " wet " Mexicans are beginning to realize that they must seek labor from other sources. It is especially important in this work to avoid even the appearance of favoring one rancher over another. All must be treated alike, but they must realize that the immigration laws are to be enforced.

It sometimes happens that when laborers are taken away from a farmer by this service he protests vigorously, and often these complaints reach the department and the bureau and are referred back to the field for report. Nearly always they are colored and exaggerated and in the end it is usually shown that the officers involved were merely doing their duty. Officers of the service are under instructions to perform their duties tactfully and to avoid misplaced zeal. It is impressed upon them that it pays to " do it with a smile "; to be considerate but firm. It is hard to take offense at an officer who follows this rule, and even the most " hard boiled " individual usually hesitates before he " starts anything " with an officer who goes about his work in the proper manner.

Mexican aliens who are found here illegally and are not of the immoral or criminal classes are usually permitted to depart voluntarily to Mexico. If the same individual is again apprehended, he is made the subject of warrant proceedings and if he persists in returning to this country his deportation to Vera Cruz or some other distant Mexican seaport is recommended.

A few years ago practically all arriving Mexicans were destined to some border State. Now a larger percentage is destined to the North and East, and many who give their destination as being some point in a border State remain there only long enough to earn money with which to secure transportation to some industrial center. While many Mexicans return to Mexico every year it appears that most of them now go there only for a visit, as evidenced by the increasingly large number of legal residents of this country readmitted at ports of the Mexican border.

The public seems to labor under the erroneous impression that the thousands of Mexican aliens proceeding to the industrial centers of the North and East are composed largely of those who have effected an illegal entry into the United States. As a matter of fact, it is believed that only a very small part of the aliens proceeding from border States to interior points North and East are illegal entrants. This statement is based upon many investigations of reports that large numbers of Mexican aliens illegally in this country were leaving the State for interior points, and the fact that during the past fiscal year less than 3 per cent of the persons questioned by patrol officers were found to be illegally in this country.

As the border patrol continues to gather in Mexican aliens residing near the border who are still deportable, more and more attention can be directed to guarding the river and apprehending aliens before they travel any great distance inland. The task of stopping the

illegal influx of Mexican aliens is by no means an impossible one, for the stream has already been reduced from a river to a brook, and while it will probably never be entirely dry it can be reduced to a mere rivulet.

It is reassuring to this service to note that there is a growing sentiment along the Mexican border, at least in district No. 22, against cheap labor. This in its final analysis means against "wet" Mexican labor.

PRIVATE EMPLOYMENT AGENCIES

Needless to say, private employment agencies in district No. 22 are kept under close observation, and practically all alien labor handled by them is checked by immigration officers. Generally speaking, few agencies even attempt to handle aliens known to be illegally in this country, and the fact that their places of business are watched is so well known that "wet" Mexicans seldom apply for work through such agencies. The influence which private employment agencies have upon the illicit entry of Mexicans through district No. 22 is largely an indirect one. Most employment agencies in this district own and operate service cars or bus lines in connection with their employment business and for the sake of the revenue secured therefrom encourage Mexican aliens to migrate to northern and eastern points. They send representatives to farming communities near the border and entice laborers away from their employment there by promises of high wages in other parts. This makes many opportunities for the "wet" Mexican who has just crossed to secure employment near the border. Some of the largest employers of Mexican labor, such as the railroads, now refuse to accept laborers who have not been legally admitted to the United States. As an example, an extra gang composed of about 300 men was recently checked by officers of this service and not a single alien illegally here was found. It was later ascertained that these laborers were secured through a labor agency in El Paso and checked by the Immigration Service there before being shipped to the point where they were working. There seems to be a growing tendency on the part of employers of labor, particularly in the larger industries, to demand laborers who have been legally admitted, in order to avoid the inconvenience and expense of labor turnover, due to aliens illegally here being arrested and deported.

A most careful watch is kept on private employment agencies for violations of the alien contract labor laws, but no evidence of such activity has been found of late.

So far as district No. 22 is concerned, it might be stated that the private employment agencies offer no serious problem to this service at the present time.

THE LITERACY TEST

The Mexican-born alien, who is not affected by quota limitations, has a good start on his way through our immigration lines, for in some way or other whenever the penniless Mexican peon makes up his mind to come to the United States he can usually raise the necessary funds to secure a nonquota visa and pay his head tax. There seems to be a steady demand for Mexican labor and if the alien is strong, healthy, able to read, and has not run afoul of the law, he is generally successful in gaining his objective in a legal manner.

The illiterate alien, however, runs up against a stone wall. His good health, his stainless character, even ample money for visa, head tax, and other incidentals, can not carry him over the barrier of the illiteracy test. There is only one way the unexempted illiterate hopes to get in at a port of entry and that is through cunning; and often this cunning is supplied him by certain persons on the border who give it to their friends and sell it to others for whatever they can get.

By some means the exact text of the various reading test cards written in the Spanish language was secured, and in some cases the illiterate alien is taught to repeat each of the cards verbatim. He is taught to recognize by sight the first word or words of the various test cards to enable him to identify any particular one, and he can then give a flawless exhibition of "reading" the card. A few aliens no doubt got through by this means. One day, however, an immigrant inspector handed an alien a test card and to his astonishment the applicant fluently "read" the text of a card in the inspector's hand instead of the entirely different one he was looking at—and the secret was out.

Needless to say, every step has been and is being taken to prevent the perpetration of fraud upon this service by this and other means, and many ingenious methods are adopted by the officers to defeat such schemes. One of the plans is to cover the first line or two of the text of the test card with a sheet of paper and have the alien begin reading from that point on. The "memorizer" is immediately stumped. One inspector has typed on a card phrases, taken from several different test cards, which start out with a meaning but soon become merely a jumble of words. The literate alien knows and will say that it doesn't mean anything.

With the breaking up of the scheme of the text memorizer, illiterate aliens have been forced into other channels in their efforts to outwit our officers. They are entirely familiar with the classes exempted from the operation of the illiteracy test, and one of their present-day favorite methods is to attempt to pass themselves off as members of one of the exempt classes by faking relationship with persons who are in a position to supply the necessary exemption. Illiterates without any exemption under the law are supplied with "husbands," "children," "grandchildren," or "parents" who are entitled under the law to bring in illiterates of the claimed relationship. To defeat attempts of this nature, the relationship in all such cases is thoroughly and exhaustively gone into by requiring documentary evidence of some nature, or by questioning the aliens separately concerning certain past events of their lives that should be recounted with a fine degree of exactness by each if the claimed relationship actually exists. In the cases of male illiterates it is not an uncommon thing for a man still in his thirties, with the bloom of youth still upon his cheeks, to swear with all his energy that he has left his fifty-fifth birthday far behind. His statements are not given the benefit of any doubt.

Another scheme of the illiterate, which has perhaps been tried more than any other plan, is one in which he hopes to kill several birds with one stone; i. e., he hopes not only to dodge the literacy test but also to get out of paying the immigration visa fee and head tax. Before the adoption of the plan of issuing immigrant identifi-

cation cards to arriving immigrants, this service sorely felt the need of some convenient method of establishing the truth or falsity of an alien's claim to a prior lawful admission. Many aliens are questioned by officers at points remote from place of alleged entry and so it is a difficult matter to arrive at a satisfactory determination of the true status of such aliens in the absence of documentary evidence, which until recently was not furnished to arriving aliens. In the absence of official identification cards showing legal admission there grew up in this district a practice which has been of material assistance to this service in keeping a check on aliens. Upon the payment of head tax, an alien is given a receipt by the bridge company which is his personal property and is retained by him. Knowing the practice of Mexican aliens to carrfully preserve this head tax receipt and exhibit it whenever questioned, the plan was adopted of having each alien at the time of admission sign the receipt on the back and then the officer would note thereon the sex, age, and a personal description of the holder and initial the receipt to indicate lawful admission. If a photograph of the alien was available, it was securely pasted on the back of the head-tax receipt. This plan afforded a ready means of establishing the status of an alien, for any alteration of the data appearing on the receipt could be easily detected.

Now the illiterate gets in his work. He begs, borrows, finds, steals, purchases—in fact, any way to get it—the head-tax receipt of some alien who has been lawfully admitted to the United States. He assumes the name appearing on the receipt and ascertains the date the owner was admitted, together with any other pertinent data he can secure, such as the names of the members of the family accompanying the rightful owner of the receipt at the time of entry, and so forth. The alien then makes a bold effort to cross the bridge, flashing the head-tax receipt in substantiation of his claim to being a lawfully admitted alien returning from a short visit to Mexico. A comparison, however, of the alien with the description on the head-tax receipt generally results in the detection of the fraud, but at any rate it becomes apparent when the alien is asked to sign his name on a separate sheet of paper.

The unsuccessful efforts of such illiterates to get by over the bridge drove them and others to the expediency of smuggling across the river, trusting to luck that they would not be found by immigration officers, and hoping that if they should be questioned they would be able to establish a "lawful" admission with the head-tax receipt. But these aliens are little if any better off, because the border patrol is right on the job, and simply because an alien making his way from the border toward the interior presents a head-tax receipt indicating a previous lawful admission is no reason why he should not be politely asked to "Please read this card" or "Please sign your name."

It is desired to mention here that the plan inaugurated last July of issuing identification cards to arriving immigrants is not only a veritable boon to our officers in their efforts to ascertain the true status of an alien, but is of particular value to the alien himself, affording him, as it does, a ready means of establishing his lawful admission and avoiding delay and inconvenience which might otherwise arise. Many aliens have in the past begged officers of this service for some documentary evidence of their lawful admission, but it was necessary to inform them that the regulations did not authorize

anything of that nature. So the new immigrant identification card is being hailed with delight not only by immigration officers but also by aliens lawfully admitted.

We sometimes wonder what they will spring on us next; but whatever it is they will find the immigration army of defense right at the front. We don't set ourselves up as being infallible. We don't claim that our defense is impenetrable. But we do believe that we have well in hand the situation with respect to the attempts of the illiterate alien to gain entry by fraud. The utmost precautions are taken by inspectors when applying the reading test to members of a family or of a group of aliens traveling together to see that a different text card is presented to each individual.

The official test cards furnished by the bureau are used, although aliens who are unable to see the print on the regular cards are given a card on which the official test is printed in large letters.

It is not sufficient that an alien be able merely to pronounce his words. He must be able to understand what he reads. Aliens who have difficulty in reading but who finally manage to pronounce all the words of a test card are asked to state in their own way the meaning of what they have just read; and if they can't do it, they can't read understandingly. It is believed it was the intent of Congress that aliens must read understandingly to come within the meaning of section 3 of the act of February 5, 1917.

In closing, it is desired to mention that after all other means have failed, the unexempted illiterate still has one more avenue through which he can enter the United States, and he many times turns to this means in sheer desperation. Paradoxical though it may seem, we are not vexed when he resorts to this method and gains entry into the country; nor do we try to deport him. He has found the one and only absolutely certain way to scale the stone wall of the illiteracy test. He has secured a tutor and has learned to read. We have many cases of aliens well along in years who, after exclusion because of illiteracy, present themselves several months later at the port of entry with a confident smile of attainment and say, "Now bring on your reading test," and then demonstrate to the doubting immigrant inspector his ability to read and to read understandingly.

THE EL PASO DISTRICT

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The El Paso immigration district, No. 25, embraces Arizona, with the exception of a small strip of the extreme western part, all of New Mexico, and west Texas to a point about half way between Sanderson and Del Rio, with a little more than 1,000 miles of international line. Within it are the fairly large ports of entry of El Paso, Tex.; Nogales, Douglas, and Naco, Ariz.; the smaller ports of Presidio and Fabens, Tex.; Columbus, N. Mex.; and Sasabe and Ajo, Ariz. The district has three patrol subdistricts, hereinafter described.

Within this territory are large and small mines of various sorts, mostly copper, silver, and quicksilver; large areas of irrigated farms; and cattle, sheep, and goat ranches. These industries and the railroads are the largest users of manual labor, skilled and unskilled; though in the aggregate a large number of laborers are employed in

cities and towns on and adjacent to the border as domestics, in several small factories and mills, and in various other minor industries.

Approximately 98 per cent of the applicants for admission from Mexico are Mexicans—using that expression in a very broad sense—and most of the unskilled laborers and a large percentage of skilled laborers in this part of the Southwest are also Mexicans.

IMMIGRATION INSPECTION

El Paso is the largest port of entry in the district—perhaps the largest on the Mexican border—and the manner in which the work is performed there is fairly typical of that at other ports. El Paso is opposite Juares, Mexico, a city of about 20,000 population. There are two lines of railways by which passengers are brought from Mexico City, Chihuahua, and other points to the border. The Rio Grande constitutes the international boundary line at El Paso, and all arrivals—except a few brought in by train—come over the Santa Fe Street International Bridge, either by street car, automobile, other conveyances, or on foot. The immigration officers work 8-hour shifts, and a sufficient number of them are assigned on each shift to handle the traffic without delay.

Some 16,000 people cross the bridge each day, including the local crossers who may make several trips daily back and forth across the line, and it therefore would be impracticable for the bridge officers to do more than cursorily inspect arrivals on the bridge.

To meet this situation we have taken advantage of the regulations to provide frequent crossers with identification cards. In the past several years the officers have exerted themselves to place these cards in general use and to-day it may be said that all alien local crossers and a large number of Americans of alien appearance carry such cards. Before a crossing card is issued the alien is accorded the same thorough examination, including medical inspection, as a new applicant for admission. These immigration and medical inspections are repeated at intervals, as opportunity will permit.

When an inspector passes through a street car the local crossers have their identification cards waiting for him. He quickly compares the photograph and description with the holder of each card and passes down the line, swiftly determining which of the passengers are Americans and which are aliens. Those who do not immediately qualify as citizens or as alien local crossers are required to alight from the street car and to enter the immigration building—at the American end of the Santa Fe Street International Bridge—for further inspection. One officer handles automobile traffic and another foot traffic, sending into the building those who do not present identification cards and those who do not satisfy the officers of their claim to American citizenship.

The primary inspectors take the aliens one at a time and ask each the questions printed on the prescribed manifest and other questions designed to elicit full information as to his admissibility. Each alien is specifically asked whether he can read; if his reply is in the affirmative, he is presented with a printed test card supplied by the bureau and asked to read it. If he reads it understandingly and is found to be admissible under other applicable provisions of the immigration laws, he is passed by the primary inspector, but each alien must be examined and passed by the medical officer before finally being admitted, and the medical officer must indicate his findings on the manifest and sign the same.

Should the alien be unable to read understandingly, or should he admit his inability to read, the officer then endeavors to determine whether he is entitled to one of the several exemptions which the law creates to the literacy requirements. If found not entitled to such an exemption, he is held for action by a board of special inquiry. The board does not accept his general statement of inability to read but presents a test card and instructs him to read it, his verbatim answer being stenographically recorded.

Generally there are in use six or seven different sets of test cards printed in the Spanish language, but if an alien's eyesight is bad the officers will test him with some other Spanish matter printed in larger type. The board of special inquiry written record shows the exact test accorded an alien excluded for illiteracy.

The immigration officers who conduct the primary examinations have a good working knowledge of Spanish. When a new appointee does not speak Spanish he is kept at other work until he acquires a sufficient knowledge of the language to conduct primary inspection.

There is but a slight difference in the manner of procedure at El Paso and the Arizona border ports where an imaginary line constitutes the international boundary. At Nogales, for illustration, there are two regularly designated points of entry, both on principal thoroughfares connecting that town with Nogales, Sonora, Mexico. Both of the inspection stations are some distance from the main immigration office located in the Southern Pacific Railway Building. When an officer at either inspection point detains newcomers—those not in possession of identification cards—he telephones and a guard is detailed to accompany them to the office and thence to the Public Health office across the street from the immigration quarters.

The system insures that each alien who requires inspection will be inspected, and that each alien inspected will be required to demonstrate his ability to read understandingly or establish one of the exemptions created by law before he is admitted.

So far as the El Paso district is concerned I emphatically deny the allegations recently carried in the press that the literacy and other provisions of the law are not being strictly enforced, and that large numbers of illiterate, diseased, and physically and mentally defective aliens are securing admission at ports of entry. Those illiterates who pass at ports of entry do so because of the loopholes the law affords—availing themselves of the statutory exemptions. A recent check of the records at Nogales for the last fiscal year and for the current fiscal year to December 1, 1928, shows that 10.5 per cent of all aliens admitted at that port were illiterates who established statutory exemptions. It is reliably estimated that at least 10 per cent of the admissions at El Paso were aliens of this class. Various tricks are used by some of the aliens in an effort to deceive the officers, but only occasionally does one succeed; and the officer who passed an illiterate alien without a reading test because the applicant appeared to be reading a newspaper while awaiting his turn for inspection, soon came to realize that he must ascertain the facts and not take a chance on general appearances.

No inspector will carelessly pass an illiterate Mexican not entitled to one of the statutory exemptions knowing that in all probability the alien will be picked up, and that only a convincing explanation will save the officer from serious trouble. Attempts to memorize the reading matter on the test cards have proved fruitless, as there is no means of telling which test card will be exhibited to any subsequently applying alien.

There have been infrequent occasions when an insufficient number of officers were at the line to handle an unusual Sunday or holiday rush, but measures have been taken to safeguard against such a contingency, and those opportunities for aliens to get in unlawfully will become even more infrequent than they have been in the past.

I will express the view that with the prevailing practice and routine the literacy requirements of the law are just about as strictly enforced to-day at the ports of El Paso district as they ever can or will be at any other time or at any other border ports of entry. This would not be so were it not for the general use of identification cards by local crossers, enabling the line officers readily to pick out the newcomers and relieving such officers of the necessity of making inspections on the line.

I do not base my assertions and conclusions solely upon reports of the inspectors in charge. I make it my business to visit the several ports of entry and at each of them I spend hours and days standing on the line and in the immigration office noting how each officer performs his work.

It may be that those who allege that illiterates are being admitted in large numbers at Mexican border immigration ports of entry are misled by the figures indicating that for some time past there has been a decrease in the percentage of aliens excluded on the ground of illiteracy. An analysis of the situation shows this to be perfectly natural. It would be remarkable if the figures indicated the contrary.

The operation of the immigration visa act, which became effective July 1, 1924, unquestionably is more largely responsible than any other factor for the diminished volume of exclusions on the ground of illiteracy. In the administration of that law the duty is placed upon American consulates to determine prima facie the admissibility of aliens under the immigration laws before issuing immigration visas to them. While all aliens from interior parts of Mexico do not present themselves to American consulates before proceeding to the border, the majority of them do so. Many of those appearing at the consulates are illiterate and not acquainted with the literacy provisions of the American immigration laws. They are denied immigration visas and are told the reason. Many of them are thus deterred from proceeding to the border. Some, however, determine to come and effect illegal entry, but the preliminary sifting done at the consulates results in lowering the percentage of exclusions at border ports of all classes of aliens including illiterates.

Moreover, illiteracy is a condition that can not be concealed, and the longer the law is in force and the better acquainted the people become with its provisions, the fewer illiterate applicants there should be. In other words, if an alien is unable to read and is acquainted with the literacy requirements of the American immigration laws, why should he present himself as an applicant at a regularly designated port of entry, knowing that he will be excluded, and afford

the officers an opportunity to memorize his features? If he, being illiterate and knowing the law, intends to come to the United States in any event, he will enter illegally in the first instance. The following classes will present themselves as applicants: Those who believe they are entitled to statutory exemption from the literacy requirements; those few who intend to make efforts to trick the officers; and those who are unaware of the literacy requirements. As indicated, there should be a diminution of the latter class each year, corresponding with the wider circulation presumably given to this feature of our laws.

As illustrating the foregoing, there are furnished figures as to exclusions for illiteracy at the ports of this immigration district for the two fiscal years—beginning with the formation of this district—immediately preceding July 1, 1924, when the immigration visa act became effective, and for the four fiscal years immediately following that date, as follows:

Fiscal year	Number excluded—illiteracy	Total number applicants	Percentage of applicants excluded—illiteracy
1923–1925	1,325	164,824	0.80
1925–1928 [1]	600	244,551	.25

[1] Inclusive.

The figures include both statistical and nonstatistical aliens.

In other words, there were more than twice as many excluded in the two years preceding July 1, 1924, as in the four years following that date, and the variance in the percentages is even more pronounced.

MEDICAL INSPECTION

Here again I challenge the statements of those who would make it appear that there is a laxity of medical inspection on the Mexican border. It is true that these inspections have been more rigid in the El Paso district during the past year and a half, but it does not follow because of this fact that our medical inspections theretofore were greatly inferior to those throughout the service as a whole. Figures are submitted affording a comparison of medical-certificate cases, that is, as to diseased and physically and mentally defective aliens of all classes, handled at ports of this district and at all ports of the Immigration Service, as follows:

Fiscal year	Total number of arrivals	Number excluded on medical certificate	Percentage of arrivals excluded on medical certificate
All ports of Immigration Service:			
1925	483,825	2,385	0.49
1926	516,656	1,970	.38
1927	557,756	1,921	.34
1928	519,470	2,159	.42
All ports of El Paso district: [1]			
1925	48,132	166	.35
1926	57,725	143	.25
1927	70,743	174	.25
1928	67,951	544	.80

[1] The El Paso figures include statistical as well as nonstatistical transactions.

The showing of the El Paso district during the last fiscal year ought to be reassuring to those who have been concerned about the character of medical inspections on the Mexican border, and it may be added that the record for the first six months of the current fiscal year furnishes assurances of the maintenance of the high standards attained.

The number of aliens required to strip, and the number of microscopic and Wassermann tests applied, has continued to increase during the past year and a half, with the result that the principal social diseases constitute a large part of the increase in medical-certificate cases excluded during the fiscal year ended June 30, 1928. At the port of El Paso the aliens corresponding to third-class passengers at seaports are given a very intensive examination by representatives of the Public Health Service, and concerning this the inspector in charge at El Paso reports:

About a year and a half ago the medical examination afforded these aliens was more or less perfunctory and did not cover either stethoscopic or microscopic work, but about that time a very marked change was made in the procedure at this port. This class of aliens is first handled by the Public Health Service in the bath house before the aliens reach the immigration building at all. Doctor Wilson, together with Doctor McNeill, the surgeon on duty, has trained the public health officers, and an individual examination is made for venereal diseases. First, Doctor McNeill goes to the bath while the aliens are stripped, examines heart, chest, and lungs with a stethoscope, then the venereal examination is made by the public health inspectors, and this means every alien. The microscopic examination for venereal disease is made in our own building and a report can usually be had in less than 20 minutes, of a suspected venereal disease. Where Wassermann tests are necessary, a considerable delay ensues, as the blood specimen taken in the office by the Public Health Service must be sent to the William Beaumont General Hospital, and it is understood that Wassermann examinations are made there only twice a week. The men are, of course, handled in the public health bath on one side of the building and the women on the other side, where a matron is in charge of their bathing. All baggage brought by these people is fumigated in a gas house, and all clothing is put through a live-steam cooking process, with a subsequent vacuum drying, and it can be said that these aliens, when they come from the Public Health to the immigration basement, are as clean as they ever were in their life before.

The inspector in charge at Nogales reports:

Both males and females are personally examined by the medical officer in charge, who gives them a most intensive physical and mental examination while they are undressed in the bathrooms. These examinations are very thorough and include examinations of the eyes, throat, ears, thyroid glands, heart, lungs, glandular system, nervous system, abdominal organs, and the skin and scalp. The Wassermann blood tests are made in all cases showing any evidence of syphilis. A microscopical examination is made of every urethral discharge to determine the presence or absence of gonorrhea, and of the skin and scalp where indicated. The urine is examined in every case where the medical officers believe it to be necessary. Those who are not clean are bathed in hot water with soap. The baths are supervised by attendants who see to it that the job is thoroughly done. While in the bathrooms the aliens are inspected for lice. If infested, a special solution is applied to the hairy portions of the body, which kills the lice and destroys the eggs. While they are bathing their clothes are sterilized for 10 minutes in hot-air sterilizers at a temperature of 160°. These sterilizers have been thoroughly tested for their efficiency as lice killers and have been found to be 100 per cent efficient. Where the medical officer is in doubt as to the diagnosis the aliens are returned to Mexico and their cases are held in abeyance for several days and then a reexamination is made. Those who do not show evidence of recent successful vaccination are vaccinated against smallpox. At the conclusion of the medical inspection, bathing, and vaccination the medical officer in charge signs the medical certificate on the back of the manifests, showing the applicants to be free from physical and mental defects and diseases, if such is the case, or if he finds the applicants to be physically or mentally defective or diseased he renders an appropriate certificate.

THE BORDER PATROL

To this district are assigned 68 patrol inspectors, 30 senior patrol inspectors, and 3 chief patrol inspectors, distributed as follows:

Subdistrict No. 1, headquarters Tucson, Ariz., 1 chief, 12 seniors, and 28 patrol inspectors.

Subdistrict No. 2, headquarters El Paso, Tex., 1 chief, 13 seniors, and 29 patrol inspectors.

Subdistrict No. 3, headquarters Marfa, Tex., 1 chief, 5 seniors, and 11 patrol inspectors.

The officers of subdistrict No. 1 guard the Arizona border against the illegal entry of aliens. This part of the Southwest consists largely of desert and mountainous country, and by placing some of the men at strategic points which must be passed, fewer officers are required to control the situation than would be needed were all of them working directly on the international line. The available trails and roads are comparatively few. Contraband aliens who essay the little-traveled trails are likely to be reported by the ranchmen, railroad men, local peace officers, and others whose aid has been enlisted.

A part of the force works on or close to the line at points such as Nogales, Naco, and Douglas, where a considerable number of illegal entries occur. Most of the roads and trails from the southern Arizona boundary converge at or near Tucson, and the largest units of the force in the subdistrict works south from Tucson to intercept those headed for that place or intending to go around it. Some patrol inspectors are maintained at carefully selected spots between the border and Tucson, and when conditions justify doing so temporary back-up stations are established from time to time at advantageous points.

Subdistrict No. 2 includes all of New Mexico and west Texas as far east as Sierra Blanca, approximately 100 miles east of El Paso. In this subdistrict most of the smuggling of aliens is done in the vicinity of El Paso, hence the major portion of the force is deployed on the river at well-known crossings. The force at El Paso proceeds east, west, and north in pursuit of aliens who break through the line, and back-up stations are maintained in New Mexico and in Texas, along the Rio Grande, to Sierra Blanca.

The force of subdistrict No. 3 operates in what is generally known as the Big Bend section, extending east and west between Sierra Blanca and Dryden—about 40 miles east of Sanderson on the Southern Pacific Railroad—and north and south between the Rio Grande and the Texas & Pacific Railroad. A distance of 70 to 100 miles separates the border and the Southern Pacific Railroad. The country between is wild, desolate, and sparsely settled, and on the theory that whoever crosses the Rio Grande in the Big Bend section must either return to Mexico or cross the Southern Pacific tracks the offi-

cers have been stationed at various points along that railroad, to cover the highways from the border and intercept arrivals who succeed in passing beyond the El Paso subdistrict.

However, the country along the river in that section is becoming more settled; aliens who cross the river remain on adjacent American farms; a larger number of aliens from the interior of Mexico are arriving at the border since the completion of the Orient Railroad between Chihuahua and Ojinaga, the Mexican border town opposite the port of Presidio, Tex.; more of them are crossing surreptitiously in the vicinity of Presidio; and apparently more of them are succeeding in getting by the patrol officers. The time has come when additional officers should be assigned to river work in that subdistrict.

Each of the patrol subdistricts has an international boundary line of approximately 333 miles, and in each subdistrict the officers work on foot, on horseback, and in automobiles.

The present border patrol organization had its start about July 1, 1924, and yearly, with better guidance, training, and instruction, it has become more efficient and more effective, as shown by its accomplishments, reported monthly and yearly to the bureau and the department. It has been alleged that many aliens have got by our border patrol and it is conceded that such is true, but it is equally true that the number has decreased as the force has become larger and more efficient.

The chief patrol inspector at Tucson estimates that less than 10 per cent of illegal entrants evade apprehension in Arizona; the chief patrol inspector at El Paso estimates 10 per cent for his subdistrict; and the chief patrol inspector at Marfa, Tex., estimates 40 per cent for his subdistrict.

My personal view is that in Arizona at this time not more than 1 alien gets by for every 15 apprehended by the border patrol; that in the El Paso subdistrict 1 succeeds in passing the lines for every 10 stopped by the border patrol; and that the percentage in the Marfa subdistrict is somewhat larger, perhaps 1 successful entry for every 5 apprehensions; or an average for the district of a 10 per cent leakage, when the full authorized force is on duty.

The estimate of the chief patrol inspector at Marfa that the force is but 60 per cent effective is entirely too low. He bases that primarily upon the showing that a large number of the aliens found by the force of that subdistrict have entered at various points in the El Paso subdistrict, overlooking the fact that one of the purposes of having a patrol force in the Big Bend section is that it may act as a backup for the catching of aliens who pass the lines of the El Paso subdistrict. The test would be the number of aliens found farther back who had passed the lines of both subdistricts.

During the last fiscal year 1,525 aliens were made the subjects of warrant proceedings and 6,448 others apprehended were allowed to return voluntarily to Mexico. Of the total of 7,973 but 289 were apprehended in the Marfa subdistrict. The majority of the apprehensions of the district occurred in the El Paso subdistrict, and, making due allowance for the number of apprehended aliens who entered the Big Bend sector, it is apparent that the aliens taken into custody

by the force of the Marfa subdistrict numbered considerably less than the 10 per cent estimated as getting by the El Paso subdistrict.

For years views have been expressed in unofficial quarters as to the number of aliens getting by the immigration officers, the estimates ranging from 1 to 20 for each alien caught. A study of the figures shows that in the past there may have been some basis for those estimates. Until the adoption of the immigration act of 1917, containing the literacy provisions and imposing a head tax upon aliens from Mexico, the entry of Mexican aliens was unrestricted, to such an extent that there was not the incentive to illegal entry (except as to those excluded at ports of entry) that subsequently arose and, if we assume that most of those excluded did effect illegal entry and compare the number thereof with the number arrested in the same year, we may gain some idea of the number who evaded the officers and got into the country. For illustration, figures obtained from the annual report of the commissioner general show that in the fiscal year ended June 30, 1906, there were 2,366 aliens "refused admission" on the Mexican border and 70 Mexicans reported after entry. On the hypothesis suggested, 33 Mexican aliens entered illegally for every one caught. According to the annual report of the supervising inspector 2,260 aliens were debarred on the Mexican border during the fiscal year ended June 30, 1912, and during the same period 276 Mexicans were arrested after entry, so that there is a possibility that not to exceed 8 Mexican aliens got by for every 1 caught in that year. From year to year the disparity between the number excluded and the number arrested lessened until the number of arrests not only equaled but finally greatly exceeded the number of exclusions due, of course, to the number entering without first applying at an immigration port.

As indicated, until the passage of the immigration act of 1917 there was no reason for an alien to attempt illegal entry until he had been excluded, except one possessing a noticeable physical defect. That is something that can not be concealed. An alien knowing himself to be excludable on any other ground also knew the odds were that he would escape detection. But since the passage of the acts of 1917 and 1924 the illiterate aliens and the aliens without immigration visas and without money to obtain them or to pay head tax and being aware of the provisions of the law have had no inducements to present themselves as applicants at ports. They can not successfully conceal their state of illiteracy or financial irresponsibility.

An examination of the records for many years shows that the number of aliens excluded as physically defective far exceeded the number of that class arrested after irregular entry. On the other hand the number of illiterates arrested after illegal entry generally is in excess of the number excluded on that ground. The percentage of illiterates arrested ranged from 10 to 25 per cent of the total number of arrests of all classes. It is possible to find a percentage to use in estimating the maximum number of illiterates in excess of those excluded who annually enter without first applying at ports, but this would be valueless in attempting to determine the number of all illegal entries, without knowing approximately how many enter surreptitiously solely by reason of financial inability to procure visas and pay head tax.

The best we can do is to show the comparative accomplishments of the border patrol by offering figures for the two years antedating its organization and for the four years subsequent thereto, as follows:

Fiscal year	Total applications [1]	Total exclusions [1]	Total alien apprehensions
1923	75,875	3,289	4,620
1924	88,949	3,779	4,844
1925	48,132	1,464	5,209
1926	57,725	1,662	5,058
1927	70,743	1,402	6,652
1928	67,951	2,847	7,973

[1] The figures include aliens of both the statistical and nonstatistical classes.

During the five months ended November 30, 1928, 3,939 aliens were arrested in the El Paso district and allowed to depart voluntarily, or were made the subject of formal departmental warrant proceedings, and at this rate there should be a total of 9,444 for the entire year, or more than were arrested on the entire Mexican border during the fiscal year ended June 30, 1921.

The estimates as to the limited number of aliens breaking through the border patrol lines are based upon the observations of the individual inspectors, of their chiefs, the assistant superintendent, and the district director, and upon information received through their varied contacts with people in a position to know. There are two features that are especially impressive as to the reliability of the estimates. The first is that more aliens are being caught at the line and fewer at the back-up stations. The second is the ever-increasing scarcity of domiciled aliens not possessing evidence of lawful admission. Formerly a squad of immigrant inspectors on a detail to the farming regions or mining camps of Arizona or New Mexico would bring back a truck load of aliens, picked up within a short time after arrival at any particular locality. To-day a team of immigrant inspectors on such a detail will return empty handed or with a single alien, and make a lengthy report as to the time consumed and the difficulties encountered in locating him.

When there are Mexican aliens getting by the border this condition is always reflected in the type of laborers found employed by the various industries in this district, and especially on the farms and in the mines.

The conditions existing as to farms adjoining the border are unique and perhaps are of sufficient importance to justify special mention. For years it had been the custom for aliens residing in Mexico to cross the line daily, without inspection, to work on adjacent farms in the United States. Most of these aliens were illiterate or otherwise excludable. The American farmers have taken advantage of this to employ them at less than the prevailing wages. For instance, in the valley below El Paso the farmers have been paying such laborers $1.25, when other farmers not on the international line have been paying $1.50 to $1.75 a day. Near Presidio, Tex., it was found that a group of farmers, raising cotton on a large scale, were paying such alien laborers 95 cents to $1.25 a day, and requiring them to spend one-half of that at the company's commissary.

The farmers getting this cheap labor keenly and vociferously resent being deprived of it, but some of the farmers less advantageously located have complained privately of the unfairness of this situation. On different occasions when our officers have interfered with the crossing of these aliens the farmers have had prominent local people submit telegraphic complaints to the bureau or department, requiring investigation. On one occasion it was alleged that the officers had expelled some 50 alien farm laborers who had resided in the United States for a number of years, some of them for at least 15 years. Investigation demonstrated that none of those farm laborers had ever lived in the United States, but that they had been accustomed to cross the international line unlawfully, to work. The border patrol has made special efforts to stop the daily passage of the aliens from Mexico to the adjoining American farms, but after a handful of these laborers are sent back they promptly return as soon as the officers disappear, and in order to break up this illegal practice it apparently would be necessary to station officers at each ranch on the international line and keep them there all day. The force is not large enough for that, and while the officers are stationed at those points the real contraband aliens, those who intend to go to the interior, have every opportunity to go around the officers. The situation is one that ought not to be tolerated, and if it can not otherwise be controlled, the patrol force should be adequately increased.

Criminal prosecutions have proved ineffectual because it is almost impossible to find in this vicinity a grand jury that will indict or a petit jury that will convict under such circumstances.

NECESSITY FOR INCREASING THE BORDER PATROL FORCE

1. There should be some increase of the force in patrol subdistrict No. 3, headquarters, Marfa, Tex.
2. There is and has been a large turnover in the force, and because of this and annual, sick, court, and military leave it is seldom that the full authorized force is on hand. The loss in man power from these causes is about 23 per cent, and the force generally should be increased to the extent that the present authorized number of men may always be on duty.
3. An additional force may be required to prevent Mexican laborers illegally crossing the line daily at various points to work on adjacent American farms.
4. A considerable increase of the force will be required to handle the situation should a quota limitation be placed upon natives of Mexico.

FLORIDA PROBLEMS

THOMAS V. KIRK, District Director, Jacksonville, Fla.

Three years of restrictive immigration under the first quota act without a patrol force demonstrated the absolute necessity for the establishment of an immigration border patrol service to work in conjunction with the regular Immigration Service for the protection of our land and water boundaries. As soon as our Mexican and Canadian frontiers were patrolled, the prohibited hordes of Europe and Asia sought entrance by the relay route from the adjacent islands

lying temptingly near our Atlantic and Gulf seaboards. District No. 10 sprang into prominence as a smuggling center, and how to protect this water front against invasion became the paramount issue confronting the officers in this district. Four years of a most active campaign under the present quota act with a border patrol force has brought forth a fairly well-defined system for successfully coping with the situation.

In matching wits with the smugglers and smuggled aliens, I want to mention a few of what I regard the most important essentials to this end:

1. The establishment and maintenance of an efficient patrol organization.
2. The maintenance of a systematic and effective patrol of the territory to be covered.
3. The pursuit and apprehension of aliens who have gained illegal entry.
4. Obtaining cooperation.
5. The establishment of a reserve force for second and third lines of defense.
6. The training of both immigration and border patrol officers in criminal prosecution procedure.
7. Last, but not least, eternal vigilance.

Referring briefly to the essentials just mentioned, I desire to state the establishment of an efficient patrol organization for any given territory involves a personal knowledge and an exact and scientific delineation and description in detail of the territory to be covered, and such a knowledge can not be obtained by the study of maps in an immigration office, but is obtained only by actually traveling over the territory with map and notebook in hand, and making notes for future reference. The territory must be divided into districts and subdistricts, and patrol stations established at strategic points, care being taken to make the proper distribution of the force.

The selection, instruction, and training of the personnel and its development by experience is a very important matter, involving at times very unpleasant duties for the district head, as he should not hesitate—indeed, he dare not hesitate—to take the necessary steps to rid his organization of inefficient and incompetent, and, I regret to say, at times, unpatriotic and even dishonest officers.

The maintenance of a constant patrol from one patrol station to another is, of course, very essential. Since our present equipment does not include any water transportation, the actual work of patrolling our highways, rivers, inlets, and bays along our water front of more than 2,000 miles, stretching from North Carolina on the Atlantic seaboard to Mobile Bay on the Gulf, is perhaps little different from the work in patrolling the land borders. It is believed that a limited number of small boats and out-board motors to be used at strategic points would add to the efficiency of our patrol and tend to make the barrier more impassable.

An effective pursuit of aliens who have gained illegal entry and their pilots is an important element in a successful patrol. Fast motor launches can make the dash from Cuba, a distance of only 88 miles, from the southern coast of Florida, or from the nearest of the Bahama Islands, which are not more than 50 miles from the Florida east coast, in from three to five hours, and it often happens

that the smuggler lands his aliens as a complete surprise, without any previous clues having been received of his intention, and sometimes succeeds in getting beyond the first line of patrol before his presence is discovered. The smuggler's force may be altogether too numerous for the patrol in that particular vicinity to head off, or effect a capture of both aliens and smugglers. It is then necessary for the patrol to pursue until help is secured by communication with other stations. A successful pursuit involves knowledge of the existing smuggling forces, their equipment, associations, and a study of their methods. It also involves careful dissemination of clues and information obtained, a judicious selection of forces adapted to following up pursuit, and a systematic method of closing in and blocking all avenues of escape.

Aircraft smuggling will, no doubt, be a potent factor in the near future, but word limitation forbids the discussion of this question in this paper.

One of the principal essentials for protecting our water boundaries from smuggling is the ability of the immigration and border patrol officers to secure the hearty cooperation of other branches of the Government service, also of State, county, and municipal authorities, and last, but not least, the cooperation of the public generally. The effectiveness of the patrol depends, to a very great extent, upon the amount of cooperation that the immigration officers are able to obtain.

The reserve force and second and third lines of defense should be, and are, highly mobile, capable on short notice of reenforcing and converging on a given sector, or of expanding over an extended territory. No army is complete unless efficient in these essentials. The advantageous shape of our territory lends itself to the formation of semicircles and the effecting of a successive series of blockades of the peninsula.

The training of our forces in criminal procedure is of no little importance. Immigration officers should be trained to gather incriminating evidence that leads ultimately to the apprehension and incarceration in the Federal prison of the master minds and the financial supporters of alien smugglers. Violations of the immigration criminal statutes carry severe penalties, consisting of real servitude, fully backed by public opinion, and incapable of being avoided by the payment of fines. Our officers have been very successful in dangling realistic pictures of prison bars before the smuggling fraternity in such a persistent and effective manner as to strike fear into the hearts of the boldest and most hardened offender. A few convictions and sentences to the Federal prison for violation of the immigration laws have a wonderful effect upon those engaged in the nefarious traffic of smuggling aliens into the United States.

Eternal vigilance is a very essential asset in maintaining an effective patrol. Once having obtained an effective force, continued satisfactory results are possible only by the exercise of eternal vigilance on the part of every executive, every patrol inspector, and every immigrant inspector in the district.

As a concrete illustration of the manner in which our present machine functions and closes in on its prey, on November 12, 1928, information was received by the senior patrol inspector at Naples,

Fla., to the effect that in the near future a landing of contraband aliens was to be made somewhere between Marco Island and Fort Myers, a distance of 50 miles, not counting coast indentations. This officer immediately conveyed this information to Fort Myers, the next station to the north, and wired to the chief patrol inspector at Tampa, who transmitted the information to all his stations and to district headquarters at Jacksonville, where it was relayed to the chief patrol inspectors at Tallahassee and at West Palm Beach.

Jacksonville forces flung out a wing to Lake City to cover the northeast, and Tallahassee moved its forces east to complete the northern blockade. West Palm Beach gave attention to the southern avenues of escape by way of the Tamiami Trail and other roads leading from the west coast across the peninsula opening into the east coast territory at West Palm Beach, Fort Pierce, Indian River City, and Melbourne. Fort Myers, Punta Gorda, and Tampa patrol stations notified the Coast Guard authorities, and that service promised immediately to take up the lookout.

Day and night thereafter an intensive patrol was maintained, watching for the least evidence of activity, but nothing happened until November 20, eight days after the first information was received, when information was again received that the boat was outside, off Fort Myers and south of Wiggins Pass. Fort Myers, Naples, and Punta Gorda stations that night closed in on that vicinity. At noon the next day, November 21, the Coast Guard headquarters at Tampa notified the chief patrol inspector at Tampa that the Coast Guard Service had seized a boat off Sanibel Island with 10 aliens aboard, but that 4 men had escaped.

Before the patrol succeeded in getting from the mainland to Sanibel Island, the Coast Guard Service captured the missing four men, who proved to be the crew of the boat *V–1713*, which brought the contraband aliens and was seized by the Coast Guard Service. The 10 aliens, with the exception of those held as witnesses, have been ordered deported, and have actually been conveyed to Philadelphia and New York for that purpose. The four aliens, members of the crew, have also been ordered deported, but the deportation has been stayed in order that they may be prosecuted for violation of the immigration law. They are held under bond in the amount of $1,000 each to our department and $3,000 each to the Department of Justice. The chances for conviction look good unless the aliens make bond and forfeit the same.

In the capture just described the essential factors were the advance information secured by the cooperation engendered by the patrol and the hearty, prompt, and persistent cooperation received from the Coast Guard Service.

In conclusion, let me say that while conditions throughout the civilized world remain as they are at this time persistent efforts will be made on the part of aliens to enter the United States, and the smuggling of aliens into the United States through the Florida district, or through any other district for that matter, will cease when, and not until, the Immigration Service becomes so efficient in apprehending and deporting aliens, and also so efficient in securing the conviction and imprisonment of smugglers that it will not pay either of them to take the risk.

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